

3. The allegations contained in Paragraph 3 are conclusions of the law and therefore require no response from the Defendants. To the extent the allegations contained in Paragraph 3 require a response, the Defendants deny the same.
4. The allegations contained in Paragraph 4 are conclusions of the law and therefore require no response from the Defendants. To the extent the allegations contained in Paragraph 4 require a response, the Defendants deny the same.

PARTIES

5. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 5 and therefore deny the same.
6. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 6 and therefore deny the same.
7. The Defendants admit the truth of the allegations contained in Paragraph 7.
8. The Defendants admit the truth of the allegations contained in Paragraph 8.

FACTUAL ALLEGATIONS

9. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 9 and therefore deny the same.
10. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 10 and therefore deny the same.
11. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 11 and therefore deny the same.
12. The Defendants deny the allegations contained in Paragraph 12.

13. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 13 and therefore deny the same.
14. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 14 and therefore deny the same.
15. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 15 and therefore deny the same.
16. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 16 and therefore deny the same.
17. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 17 and therefore deny the same.
18. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 18 and therefore deny the same.
19. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 19 and therefore deny the same.
20. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 20 and therefore deny the same.
21. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 21 and therefore deny the same.
22. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 22 and therefore deny the same.

COUNT I
SALVAGE

23. The Defendant repeats and realleges its responses to Paragraphs 1 through 22 as if fully set forth herein.
24. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 24 and therefore deny the same.
25. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 25 and therefore deny the same.
26. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 26 and therefore deny the same.
27. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 27 and therefore deny the same.
28. The Defendants deny the allegations contained in Paragraph 28.
29. The Defendants deny the allegations contained in Paragraph 29.
30. The Defendants are without knowledge or information sufficient to form a belief as to the truth of allegations contained in Paragraph 30 and therefore deny the same.

COUNT II
ENFORCEMENT OF MARITIME LIEN

31. The Defendants repeat and reallege their responses to Paragraphs 1 through 30 as if fully set forth herein.
32. The Defendants deny the allegations contained in Paragraph 32.
33. The Defendants deny the allegations contained in Paragraph 33.

AFFIRMATIVE DEFENSES

NOW COMES the Defendants and incorporates the following Affirmative Defenses into each and every cause of action contained in their Answer to Plaintiff's Verified Complaint.

FIRST AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the causes of action contained in the Plaintiff's Verified Complaint fail to state causes of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the Plaintiff's Verified Complaint is barred by virtue of the doctrine of estoppel and/or the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state they are entitled to an exoneration and or/limitation of their liability under the Limitation of Liability Act of 1851, 46 U.S.C § 30501-30512.

FOURTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that they hereby gives notice that it intends to rely upon other such defenses as may become available or apparent during the course of discovery and/or as may be asserted by other parties to litigation arising out of the alleged incident, and it thus reserves the right to amend its Answers and Affirmative Defenses to assert such defenses.

FIFTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the Plaintiff is not the real party in interest.

SIXTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the Plaintiff lacks standing to bring its claims.

SEVENTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the Plaintiff has failed to join necessary and indispensable parties.

EIGHTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that neither the BARGE AGNES nor the TMC 140 were in peril at the time of the alleged salvage.

NINTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the Plaintiff's recovery should be barred or reduced because the Plaintiff has unclean hands.

TENTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE,

the Defendants state that any recovery by the Plaintiff should be offset by any damage to the Defendant vessel(s) caused during the alleged salvage operation.

ELEVENTH AFFIRMATIVE DEFENSE

AND FURTHER ANSWERING, AND AS A COMPLETE AND SEPARATE DEFENSE, the Defendants state that the operation alleged was a tow or tows and not salvage and thus the Plaintiff is not entitled to an award.

WHEREFORE, the Defendants pray the Plaintiff's Complaint be dismissed together with costs and attorneys fees.

Respectfully submitted,

The Defendants,
By their Attorneys,

/s/ Seth S. Holbrook
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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2019, I electronically filed the foregoing document by using the CM/ECF system which will send notification of such filing(s) to all registered participants.

/s/ Seth S. Holbrook
Seth S. Holbrook, BBO # 237850